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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,837	12/07/2000	John T. Austin	PD-990309	2999

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Hughes Electronic Corporation  
Corporate Patents & Licensing  
P.O. Box 956  
R11, Mail Station A109  
El Sagundo, CA 90245-0956

EXAMINER

PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 06/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/732,837

Applicant(s)

AUSTIN, JOHN T.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 4- 10 have been considered but are moot in view of the new ground(s) of rejection.
2. Regarding claims 1-3 and the applicant's assertion that there is no teaching or suggestion provided in Adiwoso for coupling the gateway shown in Figure 1 (30) to the Internet Access Point (IAP) (37) (claim 1) and that the Examiner is merely speculating: As applicant notes from the prior office action citation of the Adiwoso patent, "Additionally, gateway 30a may provide a high-speed, broadband connectional that allows user terminals to access information available on the internet." (see col. 4 lines 66-67) .... Internet access point (37) may comprise a large fiber-optical cable link providing information access at an extremely high bandwidth (e.g., gigahertz)," (see col. 5 lines 1-5). It is obvious from the description of these connections and Figure 1. illustrating a connection between the two points that a fiber optic line would extend between the two points. That is, the reference clearly states that a fiber line exist as part of (37) and explicitly states that a high speed broadband connection is attached to point (30), and it is extremely well known in the art that fiber optic lines are high speed broadband connections.

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3. Regarding claim 2. This claim has been shown as obvious in view of Adiwoso and Wiedeman. Adiwoso is deemed as a proper basis for rejection as stated previously.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso).

Re claim 1, Adiwoso disclosed

A communications system comprising (figure 1): a first teleport station (gateway station (20a)); a first user; a satellite coupling the first teleport station to the first user (29); and a internet access point coupled to the Internet (figure 1 (37)) and the first teleport station, said network access point coupled to the first teleport station through an optical fiber (e.g., col./line: 5/1-5). Adiwoso does not use the term teleport station and network access port as the applicant. However, it would have been obvious to one of ordinary skill in the art at the time of invention that the gateway station and teleport station serve the same purpose as

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connecting the user with the satellite network as well as the internet access point providing the same function as the network access point as described by the applicant.

Re claim 3, Adiwoso disclosed

A communications system further comprising a second teleport (figure 12) station coupled to the first teleport station through said satellite.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Wiedeman US 6,160,994 (Wiedeman).

Re claim 2,

Adiwoso does not disclose communications system wherein said satellite comprises a satellite in the Ka band. Wiedeman disclose the use of Ka band (e.g., col./line: 4/30-40). It would have been obvious to one of ordinary skill in the art at the time of invention to use Ka band with the Adiwoso invention for the benefit of high speed high capacity user links as disclosed by Wiedeman (e.g., col./line: 4/30-40).

7. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Acampora US 6,049,593 (Acampora).

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Re claim 4,

Adiwoso does not disclose a second teleport station coupled to the second teleport station through said optical fiber network and said satellite; an optical fiber network providing a primary communication link until an irregularity is detected in said optical fiber, whereupon the sensing of the irregularity, routing the communication from said first teleport station to said second teleport station through said satellite. Acampora disclosed the use of both satellite and optical lines that connect telecommunication offices (end-office, switch 12 of Figure 1), and where one link technology can be used in the event of the failure of the other link (e.g., col./line: 27/35-55, and 28/1-15). It would have been obvious to one of ordinary skill in the art at the time of invention to use satellite or fiber as a back up system for the other since one communication mode might not provide ubiquitous coverage or in the event a communication mode failure such as atmospheric conditions or fiber break as disclosed by Acampora (e.g., col./line: 27/35-55, and 28/1-15).

Re claim 5, Adiwoso further disclosed operation over diverse geographic regions (see figure 2, 5, and 6) but does not disclose that those regions are connected over fiber. Acampora disclosed that a worldwide fiber backbone connecting end offices (see, e.g., abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to connect diverse regions over fiber since fiber is a high bandwidth medium and is well known for its superior performance in transmitting long distance signals.

Re claims 6 and 9, the modified invention of Adiwoso and Acampora disclosed the steps of:

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generating a plurality of spot beams directed to a respective plurality of teleport stations from a satellite; (Adiwoso, col./line: 8/10-15).

Re claim 7, the modified invention of Adiwoso and Acampora disclosed the use of multiple satellites for communication between users (see Adiwoso, Figure 12).

Re claim 8, Adiwoso disclosed the step of coupling the first teleport station to the Internet (figure 1 (37)).

Re claim 10, Adiwoso disclosed the step of coupling the first teleport station to the Internet (figure 1 (37)).

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp



JASON CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600